

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

ANGELO DUFF,)
Plaintiff,)
v.) No. 3:10-CV-230
OAK RIDGE, TENNESSEE;)
THE OAK RIDGE, TENNESSEE POLICE)
DEPARTMENT;)
CHIEF DAVID BEAMS of the Oak Ridge)
Police Department;)
BRAD JENKINS, and)
MATTHEW TEDFORD, Officers with the)
Oak Ridge, Tennessee Police Department; and)
ANDERSON COUNTY, TENNESSEE,)
Defendants.)

MEMORANDUM OF LAW IN SUPPORT OF MOTION TO AMEND THEIR ANSWER
BY DEFENDANTS OAK RIDGE, TENNESSEE; OAK RIDGE POLICE
DEPARTMENT; CHIEF DAVID BEAMS; BRAD JENKINS; AND MATTHEW
TEDFORD

This Memorandum is filed in support of Defendants Oak Ridge, Tennessee, Oak Ridge Police Department, Chief David Beams, Brad Jenkins, and Matthew Tedford's Motion to Amend their Answer. These Defendants appear, by and through counsel, and, pursuant to Rule 15 of the Federal Rules of Civil Procedure, respectfully request this Court to enter an Order allowing these Defendants twenty (20) days to amend their Answer as follows:

These Defendants affirmatively assert the statute of limitations as a defense to all claims asserted against them.

These Defendants respectfully submit to the Court that justice so requires providing leave to allow these Defendants to amend their Answer at this time. Their original Answer was filed only three weeks ago, and there has been no discovery that has taken place in any form or fashion since that time. This Court has not yet issued a scheduling order in this cause, and no good faith argument can be made that any involved party would be prejudiced by allowing this amendment. In that no prejudice would occur, it is respectfully submitted that ordering this amendment would be proper and prudent. These Defendants respectfully request this Court to enter an Order allowing them to amend their Answer to assert the statute of limitations as an affirmative defense.

RESPECTFULLY submitted this 22nd day of July, 2010.

By: /s/ Benjamin K. Lauderback

ROBERT H. WATSON, JR., BPR NO. 1702
BENJAMIN K. LAUDERBACK, BPR NO. 20855
Attorney for Defendants Oak Ridge, Tennessee;
The Oak Ridge, Tennessee, Police Department;
Chief David Beams; Brad Jenkins; and
Matthew Tedford
WATSON, ROACH, BATSON,
ROWELL & LAUDERBACK, P.L.C.
Attorneys at Law
1500 Riverview Tower
900 South Gay Street
P.O. Box 131
Knoxville, Tennessee 37901-0131
(865) 637-1700

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was filed electronically. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt. All other parties will be served by regular U.S. mail. Parties may access this filing through the Court's electronic filing system:

Joseph A. Fanduzz
Eldridge & Gaines, PLLC
606 W. Main Street, Suite 350
P.O. Box 84
Knoxville, TN 37901-0084

Arthur F. Knight, III
BECKER, FLEISHMAN & KNIGHT PC
606 W Main Ste 200
PO Box 1710
Knoxville, TN 37901-1710

Dated this 22nd day of July, 2010.

/s/ Benjamin K. Lauderback
BENJAMIN K. LAUDERBACK, BPR NO. 20855